

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, May 9, 2011

CASE NUMBER: C15-2011-0042

☒ Y ☐ Jeff Jack
☒ Y ☐ Michael Von Ohlen
☐ - ☐ Nora Salinas **OUT**
☒ Y ☐ Bryan King
☒ Y ☐ Leane Heldenfels, Chairman
☒ Y ☐ Clarke Hammond, Vice Chairman
☒ Y ☐ Heidi Goebel
☒ Y ☐ Melissa Hawthorne

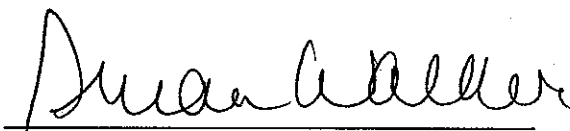
APPLICANT: Saul Corona Jr.
ADDRESS: 12332 YARMONT WAY

VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet in height to 8 feet in height in order to complete and maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

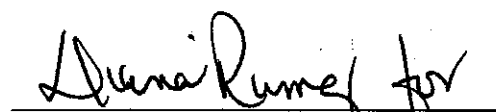
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 13, 2011 for topographic information needed, Board Member Clarke Hammond second on a 7-0 vote; **POSTPONED to JUNE 13, 2011**
Topographic information needed.

FINDING:

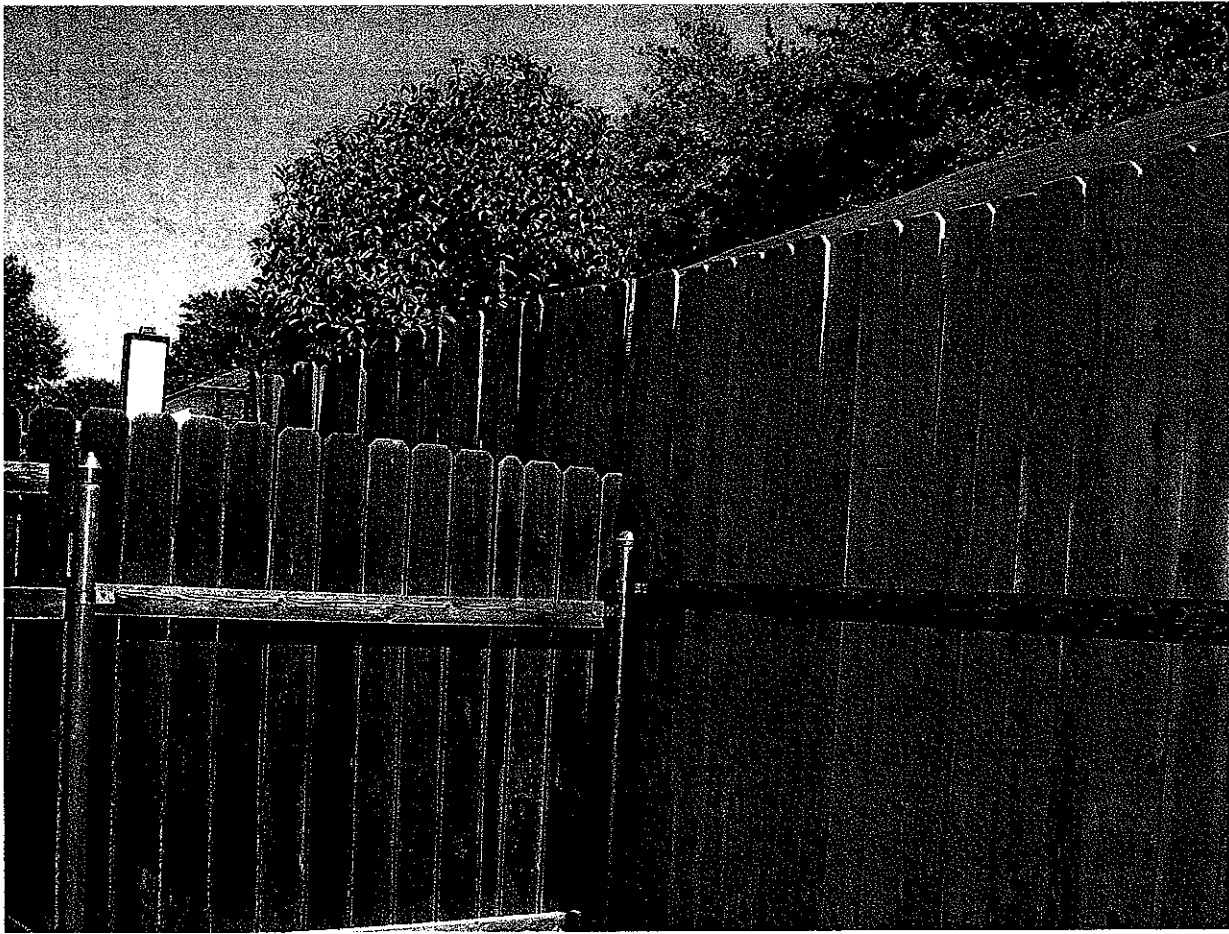
1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

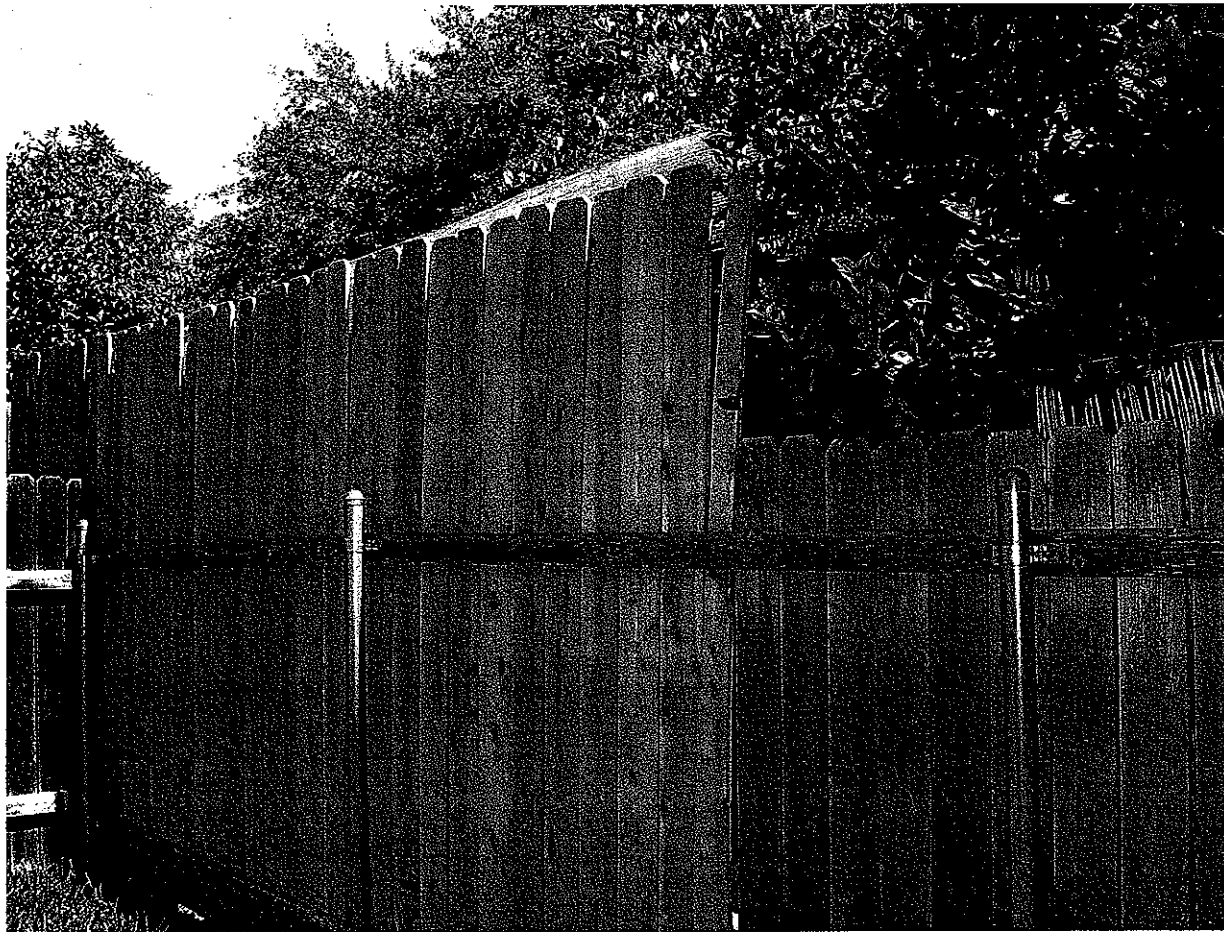


Susan Walker
Executive Liaison

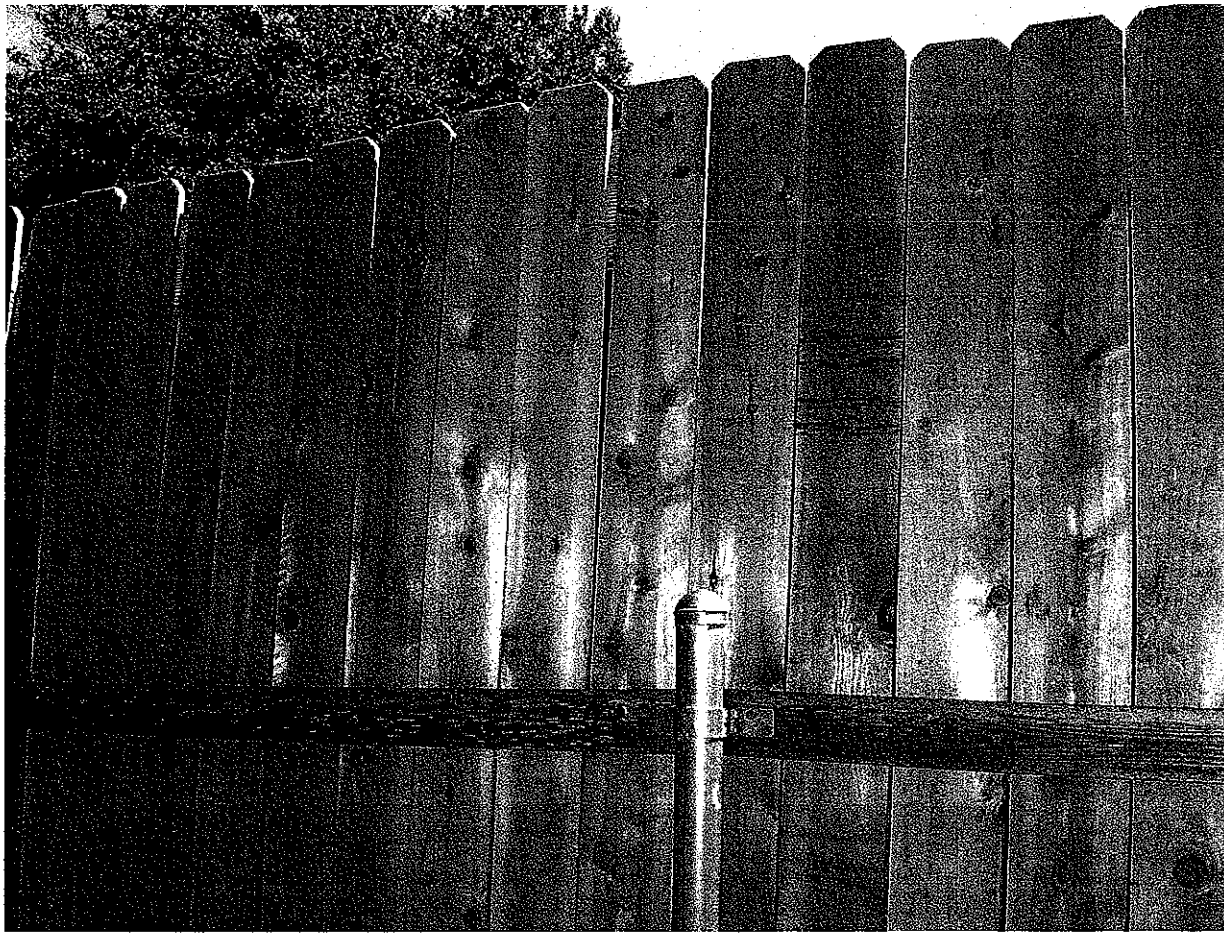


Leane Heldenfels
Chairman

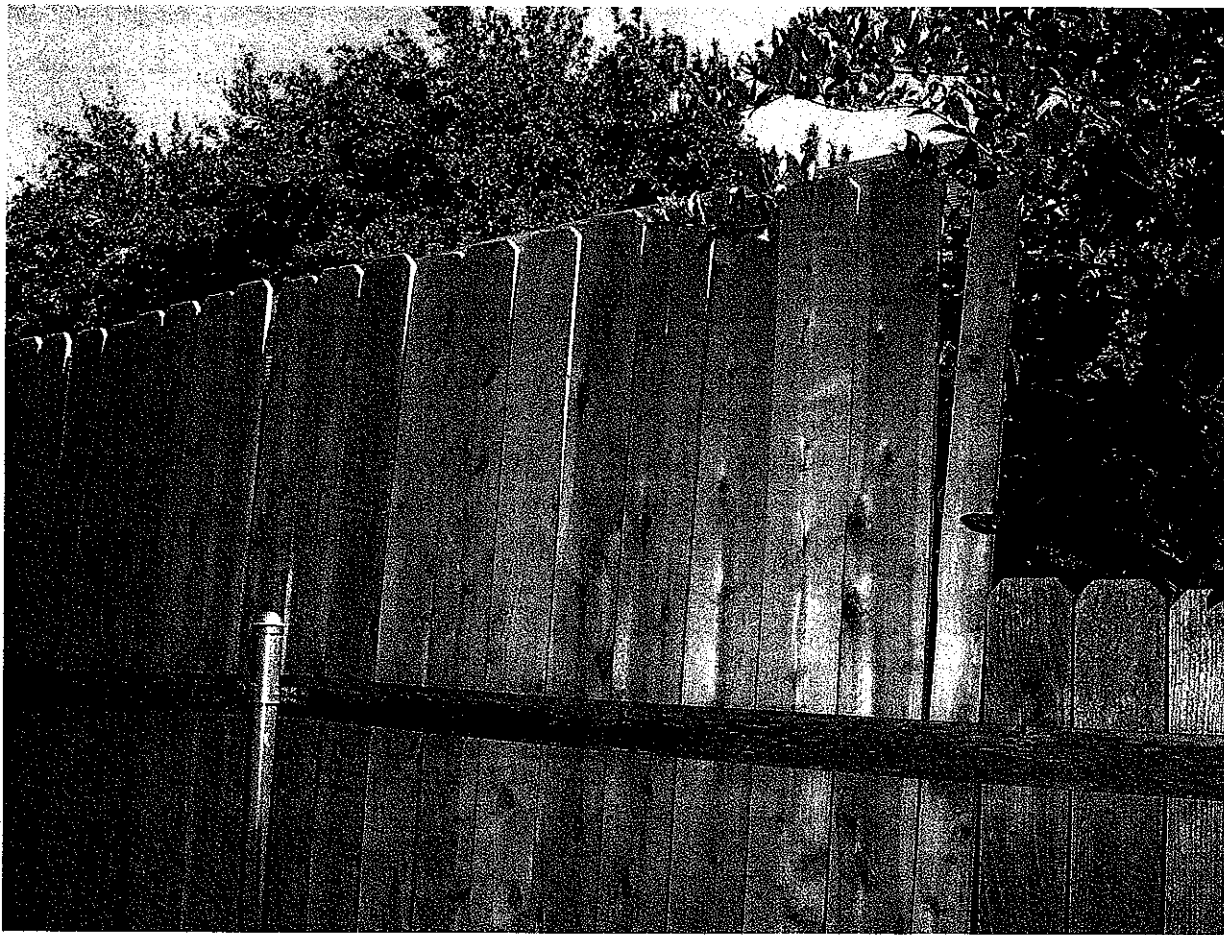










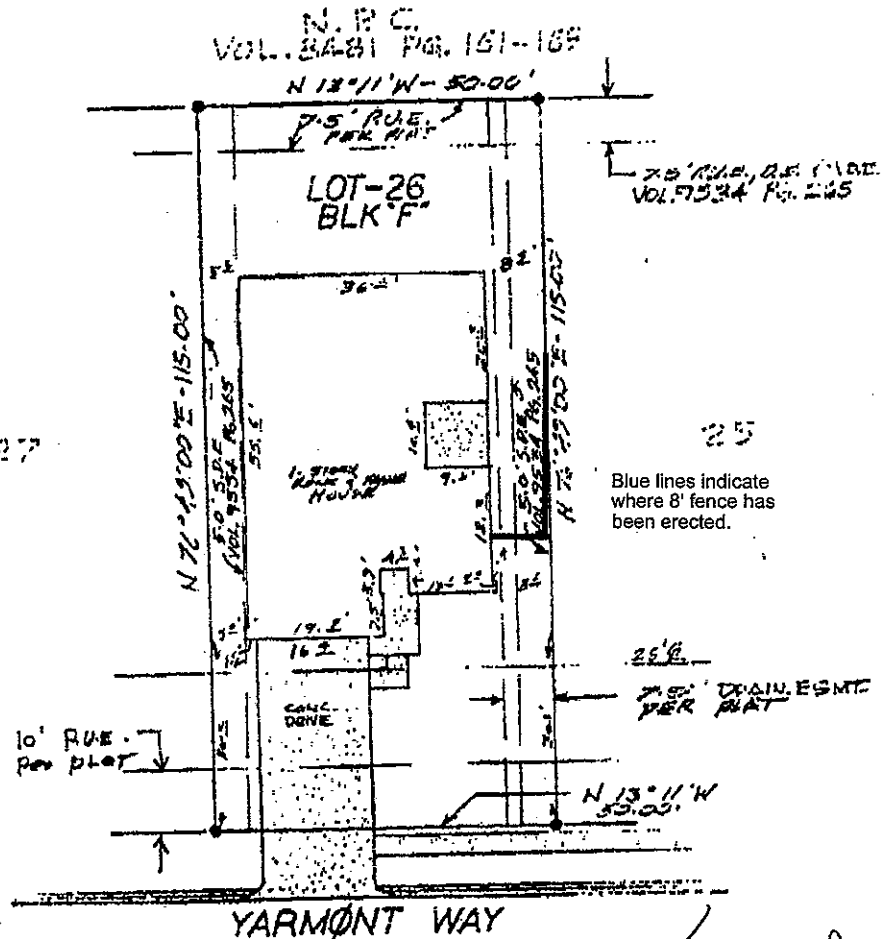


P.002

C15-2011-0042

VEY PLAT OF: LOCAL ADDRESS 12332 Yarmont Way REF. JAMES
 AL DESCRIPTION: LOT 26 BLOCK F Copperfield Section Three- C
 SUBDIVISION IN Travis Co. TEXAS, OF RECORD IN Bk. 85 Pg. 638-63C OF
 PLAT RECORDS OF Travis COUNTY, TEXAS.

SCALE: 1" = 20'



Blue lines indicate
where 8' fence has
been erected.

Mr. Daisy T. James

NOTES 1 & 2 APPLY:

1. ☒ This property is in ZONE "C" of the F.E.M.A. Flood Insurance Rate Map for Travis Co. Texas. Community Panel No. 481026-0115B, dated 8-1-82.
2. ☐ This property is within a Special Flood Hazard Area, as identified by the F.I.A./M.U.D. Flood Hazard Boundary Map for Travis Co. Texas, Community Panel No. 481026-0115B, dated 8-1-82.
3. ☐ According to the recorded plat of this subdivision, this lot is within the 100 year flood plain.
4. ☒ According to the recorded plat of this subdivision, the 100 year flood plain is contained within the drainage easements shown on the plat. There is a drainage easement on this lot.
5. ☐ The drainage on this lot is such that under normal conditions the water will drain away from the house and off the lot.

THE STATE OF TEXAS: TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE
 COUNTY OF Travis PREMISES SURVEYED AND TO THE Security Title Co.
 The undersigned does hereby certify that this survey was this day made on the ground
 of the property legally described hereon and is correct, and that there are no discrepan-
 cies, conflicts, shortages in area, boundary line conflicts, encroachments, overlap-
 ping of improvements, visible utility lines or roads in place, except as shown hereon, and
 that said property has access to and from a dedicated roadway, except as shown hereon.

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES
 SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE
 TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

Dated this the 28th day of March, 1998.
 JOB No. 49207 INVOICE No.

Clinton P. Rippy
 CLINTON P. RIPPY
 REGISTERED PUBLIC SURVEYOR
 NUMBER 1452

** TOTAL PAGE 02 **

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2011-0042
ROW # 10575773
TP-0254280703

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 12332 Yarmont Way

LEGAL DESCRIPTION: Subdivision - _____

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Saul Corona Jr. on behalf of myself/ourselves as authorized agent for

12332 Yarmont Way affirm that on March, 13 ,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 X ERECT ATTACH COMPLETE REMODEL X MAINTAIN

8 Feet Fence

in a Residential district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The 6 foot fence is built on a sloping grade which diminishes privacy by reducing the overall height of the fence by 1.5 - 2 feet

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The fence on the property is built on a downward sloping grade

- (b) The hardship is not general to the area in which the property is located because:

No other areas exhibit this problem

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The privacy fence only applies to our home, and is built out of fine materials and will not diminish the value of any adjoining properties and will provide privacy.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
-

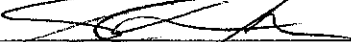
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 12332 Yarmont way

City, State & Zip Austin, Texas, 78753

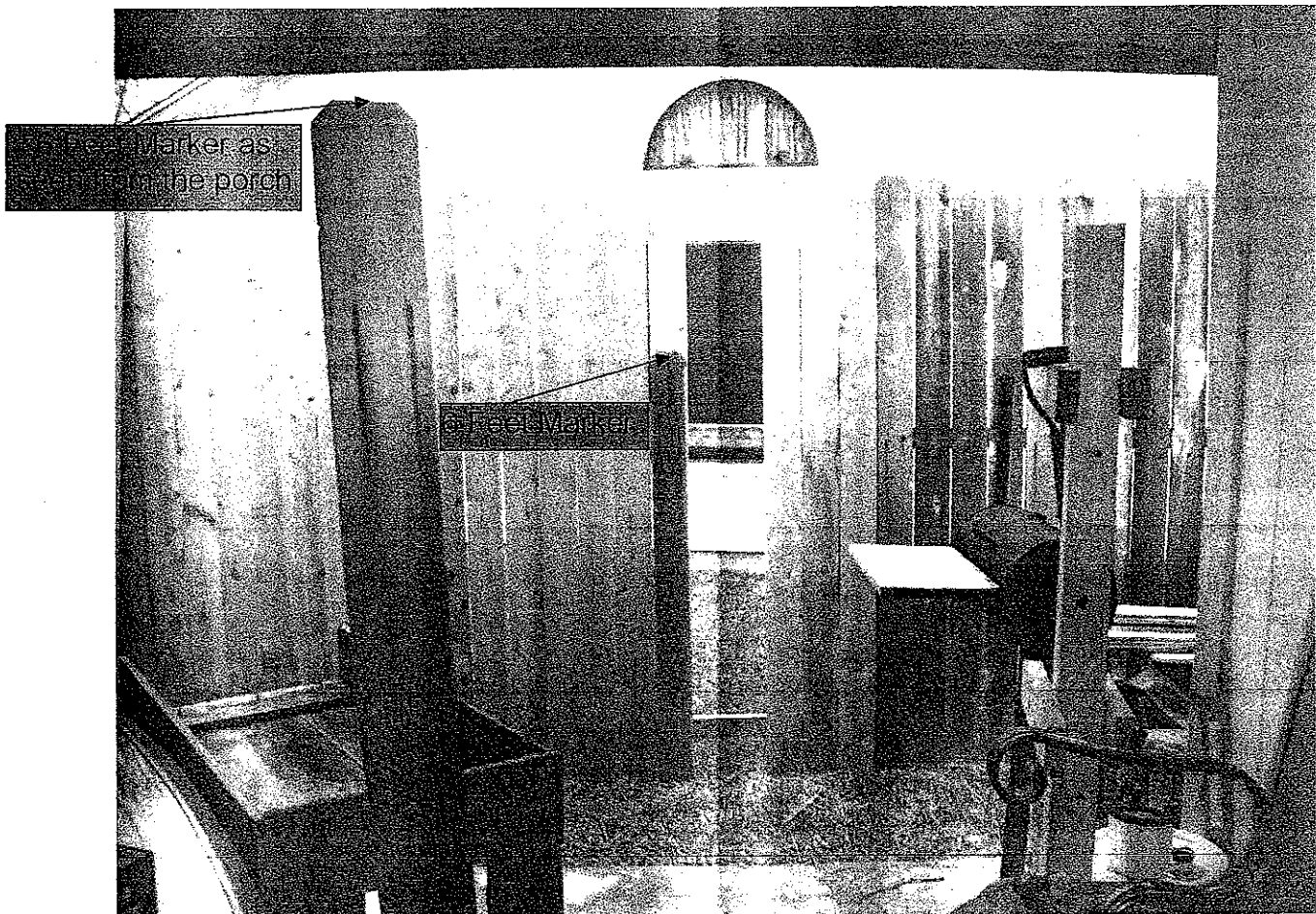
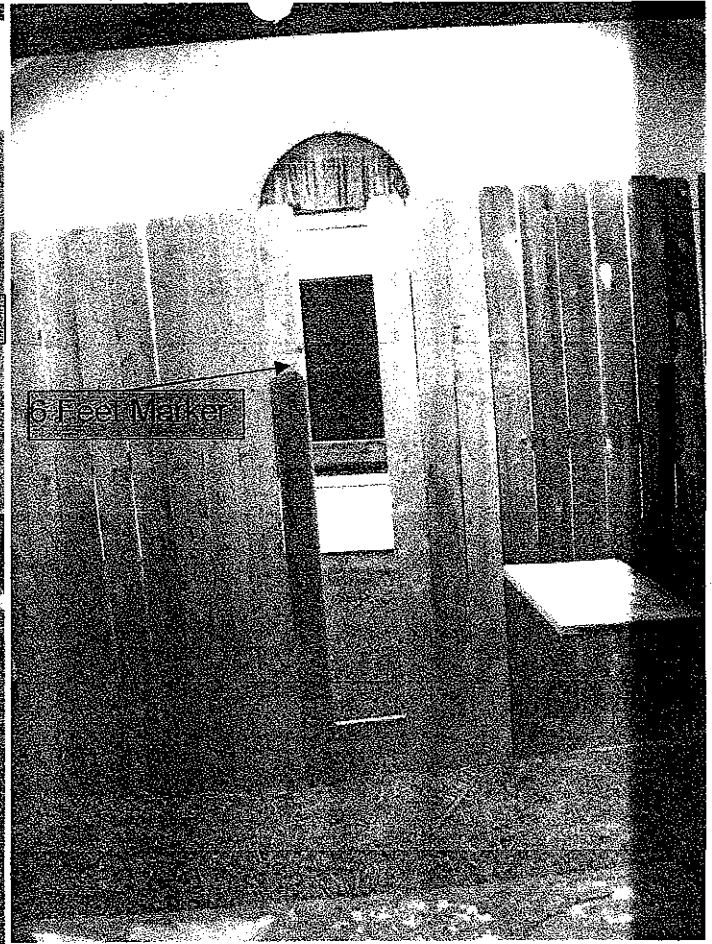
Printed March 13 2011 Phone 512 465 2003 Date March 13 2011

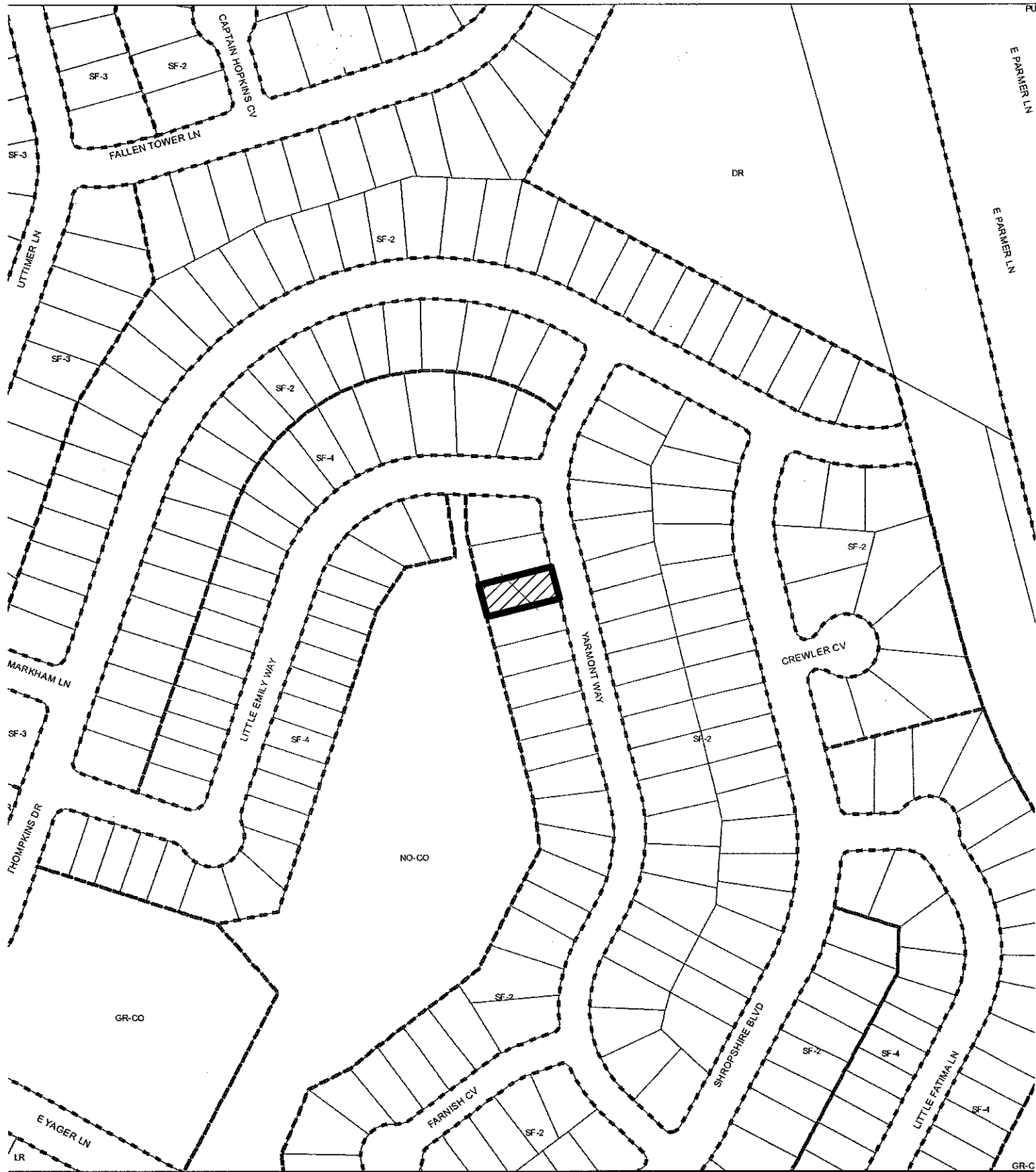
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 12332 Yarmont Way

City, State & Zip Austin, Texas, 78753

Printed March 13 2011 Phone 512 465 2003 Date March 13 2011





BOARD OF ADJUSTMENTS

CASE#: C15-2011-0042
 LOCATION: 12332 YARMONT WAY
 GRID: N33
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SUBJECT TRACT



ZONING BOUNDARY

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0042 - 12332 Yarmont Way

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, May 9th, 2011

Robert L. Vargish

Your Name (please print)

☐ I am in favor
☒ I object

12334 Yarmont Way

Your address(es) affected by this application

Robert L. Vargish

Signature

4-29-11

Date

Daytime Telephone: 431-2579

Comments: 8 foot is too high

factors away from property

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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- and:

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- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2011-0042 - 12332 Yarmont Way

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, May 9th, 2011

Jose Barrientos

Your Name (please print)

☐ I am in favor
☒ I object

12330 Yarmont Way Austin TX 78753

Your address(es) affected by this application

Signature

Date

Daytime Telephone:

512-415-9575

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

Ramirez, Diana

From: Robert LeVaughn [rlevaughn@att.net]
Sent: Friday, April 29, 2011 4:25 PM
To: Ramirez, Diana
Subject: Case # C15-2011-0042-12332 Yarmont Way
Attachments: DSC00052.JPG; DSC00048.JPG; DSC00050.JPG; DSC00049.JPG; DSC00051.JPG; DSC00053.JPG

April 29, 2011

o Whom it may concern,

I, Robert LeVaughn at 12334 Yarmont Way, **Object** to the variance request to increase the maximum fence height from 6 feet to 8 feet. I replaced the wooden post myself with galvanized post and replaced the rails and pickets also about 10 years ago. Saul has removed some of the 6 foot pickets and replaced them with 8 Foot pickets and he did not change the height of the post or rail height causing the pickets to warp. I asked him to stop changing the fence because it did not look right. It was too tall. The 8 foot pickets are too high they touch the top of his roof and they create a distraction to the property.

Thank You,
Robert LeVaughn

4/27/2011

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0042 - 12332 Yarmont Way

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, May 9th, 2011

Your Name (please print)

KEVIN Foy
1305 CREWLER CV

☒ I am in favor
☐ I object

Your address(es) affected by this application

Daytime Telephone:

Signature

877 8243

Date

5/9/11

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088